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## **South Florida Water Management District**

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### **GOVERNING BOARD MONTHLY MEETING AGENDA**

May 12, 2016

9:00 AM

District Headquarters - B-1  
Auditorium 3301 Gun Club Road  
West Palm Beach, FL 33406

#### **FINAL**

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
  - May Employee of the Month: Danielle Morancy, Engineer Specialist 4, Hydrology & Hydraulics Bureau
  - May Team of the Month: Southern CREW Restoration Bonneted Bat Survey Team
  - 25 Year Service Award: Mark Wilsnack, Principal Engineer, Hydrology & Hydraulics Bureau
  - 35 Year Service Award: Dennis Morrissey, Stationary Diesel Engine Operator/Mechanic Lead, Clewiston Field Station
  - 35 Year Service Award: Larry Davis, Crew Chief, Okeechobee Field Station
4. Agenda Revisions - Tia Barnett, Director, Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Project & Lands Committee Report - Clarke Harlow, Chair
7. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
8. Big Cypress Basin Board Report - Rick Barber, Chair

9. Approval of the Minutes from the April 14, 2016 Governing Board Meeting, held in West Palm Beach

## **Consent Agenda**

10. Public Comment on Consent Agenda
11. Move Consent Agenda Items to Discussion Agenda
12. Board Comment on Consent Agenda
13. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
14. Regulatory Consent Items

### **Conservation Easement Amendments and Releases**

- Approve the partial release of 0.207 acres of upland structural buffer areas from the existing recorded conservation easement at a site known as Sienna Reserve in Collier County (Application No. 151009-7, Permit No. 11-02654-P).

#### **Summary:**

The applicant, Lynx Zuckerman at Hamilton Greens, LLC, is requesting that the District authorize the partial release of a total of 0.207 acres of upland buffer within the 15.66-acre recorded conservation easement area due to encroachments by retaining walls, utility easements, etc. The remaining conservation easement areas will total 15.453 acres. The areas proposed to be released are not mitigation areas for the previously authorized wetland impacts for the development; however, secondary wetland impacts have now been assessed due to the lack of sufficient natural upland buffers adjacent to the preserved onsite and offsite wetlands. Off-site mitigation via the purchase of mitigation bank credits is proposed to offset the functional loss associated with these secondary impacts. A letter of reservation from the mitigation bank has been provided as part of Application No. 151009-7. (Regulation, staff contact: Melissa Roberts, ext. 7795)

- Approve the release of 1.05 and 7.46 acres of conservation easement within a project known as Lake Nona Central Parcels 9 and 10 Mass Grading Modification No. 4 in Orange County. (Application No. 160120-14, Permit No. 48-00195-S)

#### **Summary:**

The applicant, Lake Nona Land Company LLC, is requesting the release of 8.51 acres of conservation easement to allow for the construction of residential development and recreational facilities. Some of the wetland areas requested for release were a part of a previously-approved mitigation plan. To replace the mitigation being eliminated and offset new impacts, a mitigation plan including 0.04 acre of wetland restoration; 3.45 acres of wetland enhancement; 100.06 acres of wetland preservation; and 4.35 acres of upland preservation is proposed. Approximately 441.83 acres of the original conservation easement within Lake Nona Central remain. (Regulation, staff contact, Chuck Walter, ext. 3824)

- Approve the partial release of 3.496 and 46.108 acres of conservation easement within a project known as Transit Oriented Development at Osceola Corporate Center in Osceola County (Application No. 150918-10, Permit No. 49-00477-S).

**Summary:**

The 3.496-acre parcel is owned by Osceola County and the 46.108-acre parcel is owned by Deerfield Land Corporation. The applicant, Deerfield Land Corporation, is requesting the releases to allow for the construction of a commercial and residential development with railroad support facilities. The conservation easements requested for release were not part of a mitigation plan. Wetland mitigation to offset proposed impacts will be through the purchase of 20.24 credits from the Hatchineha Mitigation Bank. Approximately 385.24 acres of the original conservation easement remain. (Regulation, staff contact, Chuck Walter, ext. 3824)

**15. Right of Way - Regulatory Consent****Right of Way Occupancy New Permits:**

Staff recommends approval of a request by South River Warehouse, LLC (Application Number 15-0617-1) for issuance of Right of Way Occupancy Permit Number 14586 for the construction of a sheet pile seawall, marginal dock, and dredging to accommodate six mooring spaces for a marina facility within the southwest right of way of C-6 adjacent to 5 & 27 NW South River Drive to conduct lobstering operations. Location: Miami-Dade County, Section 1, Township 54 South, Range 41 East. (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

**Right Of Way Occupancy Permit Requests With Waiver Of District Criteria:**

Staff recommends approval of a request by Nicole Guinea Oliva (Application Number 15-1102-4) for issuance of Right of Way Occupancy Permit Number 14589 for landscaping within a fence enclosure (all existing) within the east right of way of the C-100C canal at the rear of property located at 9020 S.W. 103rd Avenue, Miami; and waiver of the District's criteria to allow for the placement of above-ground facilities (fencing, three trees and a hedge) within 40 feet of top of bank. Location: Miami-Dade County, Section 5, Township 55 South, Range 40 East. (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

**16. Resolution No. 2016 - 0501 Approve release of canal and road reservations, and issuance of non-use commitments. (Real Estate, staff contact, Kathy Massey, ext. 6835)****Summary:**

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation:**

(Real Estate, staff contact, Kathy Massey, ext. 6835)

Staff recommends approval of the following:

- Release of canal reservations for Dolphin Professional Centre, LLC (File No. 4-16-1) for 3.93 acres in Miami-Dade County
- Release of canal reservations for The Fort Lauderdale Children's Theatre, Inc. (File No. 4-16-3) for 0.81 acre in Broward County

- Issuance of non-use commitment for Bette J. Holland (File No. NUC 1696) for 0.14 acre in Miami-Dade County
  - Release of road reservations for JMA Farms, LLC (File Nos. 18677) for 5.0 acres in Palm Beach County
  - Release of canal and road reservations, and issuance of non-use commitment for FVP Hialeah Gardens, LLC (File Nos. 4-16-2, NUC 1694 and 18678) for 8.46 acres in Miami-Dade County
17. Resolution No. 2016 - 0502 Approve the granting of an easement for Legal Positive Drainage Outfall to Pal Mar Water Control District, for surface water drainage over 639.85 acres, more or less, in Martin County, Florida. (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Summary:**

Pal Mar Water Control District (Pal Mar) is a special district created and operating under the Laws of the State of Florida. In 1995 the owner of the subject land, John D. and Catherine T. MacArthur Foundation, granted to Pal Mar the right to flow water over lands now owned jointly by South Florida Water Management District (SFWMD) and Martin County (County) (hereinafter the Commitment). The Commitment has been subsequently amended three times. The Commitment requires the owners of the subject property to grant the contemplated Legal Positive Drainage Outfall upon receipt of a reasonable written request by the Pal Mar board of supervisors made in furtherance of Pal Mar's revised Water Control Plan. On January 12, 2016, Pal Mar made the written request to SFWMD and the County as required by the Commitment. It is the desire of SFWMD and the County to honor requirements of the Commitment by granting the contemplated Legal Positive Drainage Outfall. Allowing the water to drain onto the subject property from lands within the Pal Mar boundary is beneficial to the restoration and maintenance of natural wetlands on the subject property. The Pal Mar lands currently and historically drain eastward through the subject property in Section 21, Township 40 South, Range 41 East, Martin County (Exhibit "A"). The easement will not allow Pal Mar to make or construct any improvements within the easement area, nor change the natural flow of water from the Pal Mar lands to the easement area. Pal Mar's activities on the easement area shall not prevent or interfere with SFWMD and the County's current or future water management activities on the easement area.

18. Resolution No. 2016 - 0503 Authorize the Executive Director, or his designee to take appropriate action in the casting of South Florida Water Management District landowner votes for the purpose of protecting the District's interests. (Real Estate, staff contact, Ray Palmer, ext. 2246)

**Summary:**

The District has interests in lands within the jurisdiction of political subdivisions including but not limited to: Pal Mar, Troup-Indiantown, Pine Tree and Gladeview and other statutory defined entities, that permit the casting of landowner votes. These votes can have a substantial impact on the lands owned by the SFWMD. In order to protect the interests of the District, the staff is requesting authorization to cast the landowners' votes.

19. Resolution No. 2016 - 0504 Authorize Contract 4600003376 with the Florida Department of Corrections to provide inmate labor and support to the West Palm Beach Field Station located in Palm Beach County, for three years with an option for a one, three year renewal in an amount not to exceed \$344,982 of which \$28,748.50 in Funds are Budgeted in Fiscal Year 2016, and the remainder is subject to Governing Board approval of the Fiscal Year 2017 – 2022 budgets. (Contract No. 4600003376) (Field Operations & Land Management Division, staff contact, Karen Estock, ext. 6282)

**Summary**

This request is to authorize entering into a three year contract with an option for one additional three-year renewal period with the Florida Department of Corrections in an amount not to exceed \$344,982. The Florida Department of Corrections shall provide a Correctional Work Squad Officer to supervise an inmate work squad to perform routine maintenance such as cleaning, painting, etc. at various District facilities. The Contract provides for one Work Squad with up to five inmates.

20. Resolution No. 2016 - 0505 Authorize the official ranking and the short-listing of firms and entering into a 365-day contract with Aqua-Tech Services, LLC, n/k/a Aqua-Tech Services Solution Provider, LLC, subject to successful negotiations, for the manatee protection system upgrade study, in an amount not to exceed \$982,696, for which \$300,000 is budgeted in Fiscal Year 2015-2016, and the remainder is subject to Governing Board approval for the Fiscal Year 2016-2017 budget; providing that, if negotiations are unsuccessful with Aqua-Tech Services, LLC, n/k/a Aqua-Tech Services Solution Provider, LLC, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated. (Contract number 4600003402) (Operations, Engineering and Construction, staff contact, John P. Mitnik, ext. 2679)

**Summary:**

In 1996 the District contracted with Harbor Branch Oceanographic Institute to research, developed, and fabricated an impact-based Manatee Protection System (MPS) that uses piezoelectric sensors to determine if a manatee is caught underneath a water control structure gate as it is closing. If detected the impact the sensors would initiate a gate reopening, thus freeing the manatee.

Alternative technologies have been developed that provide a touch-less approach, with recognition capabilities that could be used to control closing gates in the presence of manatees. The MPS Upgrade Study is intended to develop and evaluate a non-contact manatee protection system that uses sonar, thermal and visual imagery, and passive acoustic monitoring to calibrate recognition software that can identify manatees, send output signals to feed gate controller operations, provide video telemetry for remote viewing, and accommodate gate control override for control room operations. A six-month pilot test of an installed prototype system is included in the study.

21. Resolution No. 2016 - 0506 Accept the Lake Belt Mitigation Committee Annual Report 2015 (Water Resources, Terrie Bates, ext. 6952)

**Summary:**

The interagency Lake Belt Mitigation Committee is required to annually prepare and submit to the Governing Board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee in

accordance with Florida Statute Section 373.41492(8)(a). This Annual Report summarizes the mitigation costs, revenues generated by the statutorily-established mitigation fee and activities provided as mitigation for impacts associated with mining activities in the Miami-Dade Lake Belt area as administered by the interagency Lake Belt Mitigation Committee. Proceeds of the mitigation fee must be used to conduct mitigation activities that offset the loss of wetland functions and values resulting from mining activities. The mitigation activities approved by the Lake Belt Mitigation Committee in 2015 included approval of funding for the following projects: 1) the 15,055 acre C-139 Annex Restoration Project 2) the acquisition, restoration and long-term management of five acres in the Pennsuco wetlands 3) Lake Belt water quality monitoring 4) three additional miles of the L-31N seepage barrier project, and 5) Phase 1 of the 7.5 mile Dade-Broward Levee project.

22. Board Vote on Consent Agenda

23. Board Comment

### **Discussion Agenda**

24. Technical Reports

A) Water Conditions Report - John P. Mitnik, Division Director, Operations, Engineering & Construction (ext. 2679)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

C) Project Spotlight - Update on Rehabilitating Impacted Regions of Water Conservation Area (WCA)-2A: The Active Marsh Improvement Project - Susan Newman, Ph.D., Section Leader, Everglades Systems Assessment Section (ext. 4626)

#### **Summary:**

This will provide an update on how the District, in cooperation with the Florida Fish and Wildlife Conservation Commission, has been testing the combination of herbicides and fire to restore cattail impacted areas within Water Conservation Area 2A.

25. Resolution No. 2016 - 0507 A Resolution of the Governing Board of the South Florida Water Management District supporting the designation of May 15-21, 2016 as Water Reuse Week in Florida. (Water Resources, Mark Elsner, ext. 6156)

#### **Summary:**

The third week of May is recognized by the State of Florida as Florida Water Reuse Week. Given that May is normally the end of the dry season and water needs are most acute, increased attention is paid to the importance of re-using our precious water resources. This action is supported by other water management districts, local governments, and non-governmental organizations, which are adopting similar resolutions throughout Florida.

26. Resolution No. 2016 - 0508 Authorize the Executive Director to enter into a Pre-Partnership Credit Agreement with the U.S. Department of the Army, for the purpose of establishing eligibility to receive future credit for the costs of implementing certain features of the Central Everglades Planning Project, removal of all or a portion of the Old Tamiami Trail, a project in the Comprehensive Everglades Restoration Plan. (Contract Number 4600003395) (Everglades Policy & Coordination, staff contact, Matt Morrison, ext. 6844)

**Summary:**

The South Florida Water Management District proposes to commence construction activities to remove all of or a portion of a six-mile segment of the Old Tamiami Trail roadway that lies between Everglades National Park (ENP) Tram Road and the L-67 Extension Levee, just south of the existing Tamiami Trail and within ENP. This project feature is identified in the Project Implementation Report for the Central Everglades Planning Project. The South Florida Water Management District's construction work will be initiated prior to entering into a Project Partnership Agreement (PPA) with the U.S. Army Corps of Engineers. In order to remain eligible to receive credit for the costs of performing this construction after PPA execution, the South Florida Water Management District must enter into a Pre-Partnership Credit Agreement (PPCA) with the Army Corps of Engineers.

27. Resolution No. 2016 - 0509 Authorize entering into a Transfer Agreement with the U.S. Department of the Army for the purpose of transferring the Ten Mile Creek Water Preserve Area project facilities to South Florida Water Management District to operate as a non-Federal environmental restoration project to provide water storage and water treatment options. (Contract Number 46000003397) (Everglades Policy & Coordination, staff contact, Matt Morrison, ext. 6844)

**Summary:**

In the Consolidated Appropriations Act of 2016, Congress directed the Secretary of the Army to execute a transfer agreement with the South Florida Water Management District, on or before June 15, 2016, that transfers full responsibility for the Ten Mile Creek Water Preserve Area to the South Florida Water Management District and requires South Florida Water Management District to operate the project as an environmental restoration project to provide water storage and treatment options. The law further states that upon execution of the transfer agreement, the Ten Mile Creek Water Preserve Area shall no longer be authorized as a Federal project. Staff has worked with the U.S. Department of the Army to develop a transfer agreement and is requesting Governing Board approval to execute this agreement.

28. Resolution No. 2016 - 0510 Authorize entering into a Project Partnership Agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Caloosahatchee River (C-43) West Basin Storage Reservoir Project, a component of the Comprehensive Everglades Restoration Plan, and affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Project Partnership Agreement, at a total estimated Federal project cost of \$832,106,000 and an estimated annual operations and maintenance cost of \$3,931,000 for which the South Florida Water Management District will be responsible for providing a 50 percent cost-share. (Contract Number 4600003396) (Everglades Policy & Coordination, staff contact, Matt Morrison, ext. 6844)

**Summary:**

Staff requests Governing Board approval to enter into a Project Partnership Agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Caloosahatchee River (C-43) West Basin Reservoir Project, a component of the Comprehensive Everglades Restoration Plan (CERP). This agreement, coupled with the CERP Master Agreement (Contract No. 40001759), specifies the terms and conditions for implementing this project, including construction, operations and maintenance responsibilities and cost-share. The total estimated Federal project cost is \$832,106,000, including the costs for acquisition of lands needed for the project. The estimated annual cost for operation and maintenance of the project is \$3,931,000. Staff also requests approval for the Division Director of Administrative Services to sign a Non-Federal Sponsor Certification of Financial Capability indicating that South Florida Water Management District has the financial capability to fulfill its obligations under the Project Partnership Agreement.

29. General Public Comment

**Staff Reports**

30. Monthly Financial Report - Dorothy Bradshaw  
31. General Counsel's Report - Brian Accardo  
32. Executive Director's Report - Peter Antonacci  
33. Board Comment

**Attorney Client Session**

34. Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2015), to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, S. Dist. of Florida, Case No. 88-1886-CIV-Moreno.



ATTENDEES: Governing Board Members S. Accursio, F. Barber, S. Batchelor, C. Harlow, M. Hutchcraft, J. Moran, D. O’Keefe, M. Peterson, K. Powers; Executive Director P. Antonacci; District attorneys B. Accardo, K. Burns, C. Kowalsky, J. Nutt. (Brian J. Accardo, ext. 6232)

**Action Items, (if any), Stemming from Attorney/Client Session**

35. Adjourn

*Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board during public comment on the consent agenda. Governing Board policy limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chair, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.*